

REMARKS

1. The Examiner has rejected Claims 1 - 3 under 35 U.S.C. 102(e) as being anticipated by Sesek et al. (U.S. Patent No. 6,870,648).

Applicant has amended Claims 1 and 3 to include the limitation of now cancelled Claim 4. Applicant respectfully submits that the rejection of Claims 1 - 3 under 35 U.S.C. 102(e) as being anticipated by Sesek et al. is now moot and should be withdrawn.

2. The Examiner concedes that Sesek does not disclose the document capture device of claim 3 further comprising a capture arm actuator attached at and extending from a proximate end of the document capture arm into an opening path of a rear edge of the cover for coordinated manipulation of the document capture arm with the cover. However, the Examiner takes the position that Bromley discloses such a scanning frame (fig. 1, arm 22), contending that it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine these to inventions for easy movement of the bar.

Applicant respectfully submits that the Examiner has misconstrued Bromley, and that in fact Bromley does not disclose a scanning frame including "a capture arm actuator attached at and extending from a proximate end of the document capture arm into an opening path of a rear edge of the cover for coordinated manipulation of the document capture arm with the cover" as now recited in Claims 1, 3, 11 and 19, the independent Claims of the present application.

Bromley discloses a scanner frame including a "vertical (y direction) track or rail 22 which is slidably attached at one end thereof to a horizontal (x direction) track or rail 24. More specifically, track 22 is attached at one end thereof to a sliding member 26 which is disposed on track 24 for sliding lengthwise (horizontally) along track 24", as opposed to a document capture arm. (Bromley, col. 3, lns.18 -32). Bromley does not disclose a cover. Therefore, it follows that Bromley could neither disclose "a capture arm actuator attached at and extending from a proximate end of the document capture arm into an opening path of a rear

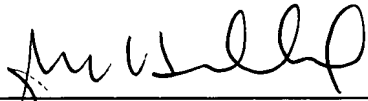
edge of the cover for coordinated manipulation of the document capture arm with the cover" nor a motivation for coordinating manipulation of the document capture arm with the cover.

3. Applicant believes the application is in condition for allowance and respectfully requests the same. If the Examiner is of a differing opinion he/she is hereby requested to conduct a telephonic interview with the undersigned attorney.

Respectfully submitted.

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